



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

The College will take appropriate, prompt action in response to **all** allegations or disclosures of abuse, neglect, inappropriate behaviour or concerns about child safety by reporting all matters to DHHS Child Protection, the Commission for Children and Young People (CCYP), or the Police, depending on the allegation or disclosure made.

Catholic Regional College Sydenham has established simple and accessible procedures for anyone to report, if appropriate, a child safety and protection concern internally to one of the College's [Child Safety Officers](#). Please be aware that consulting with a Child Safety Officer does not change any obligation you have under legislation to report to an external authority.

Catholic Regional College Sydenham has developed and implemented procedures for Federation of CRC Council members, staff and Direct Contact Volunteers for responding to allegations and disclosures of child abuse, or suspected child abuse, including procedures for support following a disclosure by a student.

Reporting procedures for Third Party Contractors, External Education Providers, Indirect Contact Volunteers, parents/carers and other community members are also included in our [Child Safe Policy](#) which is available on our public website.

Age-appropriate reporting procedures for students are developed through our [pastoral care program](#).

This section describes our work systems, practices, policies and procedures for responding to and reporting allegations of child abuse both internally and externally. This includes:

- Managing your initial response to a child protection incident
- Reporting a Child Abuse concern internally
- The obligation to report a Sexual Offence and Failure to Protect
- Mandatory reporting
- Reportable conduct
- Student sexual offending
- Responding to other concerns about the wellbeing of a child
- Conduct that is reportable to the VIT
- Communication with Parents/Carers
- Support for student interviewed at the College



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

- Making additional reports
- Child protection complaints management
- Confidentiality and privacy
- Child protection and record keeping

The College's policies and procedures for responding to and reporting allegations of suspected child abuse are made available to staff, students, parents/carers and the wider College community through our College intranet and by request.

All of the College's procedures for reporting and responding to allegations of child abuse are designed and implemented taking into account the diverse characteristics of the College community.

A summary of these procedures is made publicly available on the College's website through our [Child Safe Policy](#) and is accessible to all children, College staff and the wider community.

The College will respond to all allegations of child abuse in an appropriate manner including:

- informing the appropriate authorities and fully cooperating with any resulting investigation
- protecting any child connected to the allegation until it is resolved and providing ongoing support to those affected;
- taking particular measures in response to an allegation that concerns a culturally diverse child or a child with a disability; and
- securing and retaining records of the allegation and the College's response to it.

The College will follow the [Four Critical Actions for Schools](#) and [Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

#### **Allegations against Clergy or Members of Religious Institutes**

Allegations directed against any clergy or members of religious institutes should be reported to the Police and the Bishop of the Diocese, via the Director of Catholic Education (as a member of the Professional Standards Committee). The reporting person(s) must also fulfil other relevant requirements, such as mandatory reporting or the obligation to report a sexual offence.

The Principal will support and assist should staff require but the Principal may not dissuade or intervene in the reporting of the matter.



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

### **Documenting Your Observations and Actions**

All teaching staff, non-teaching staff, Federation of CRC Council members, Volunteers, Third Party Contractors and External Education Providers must keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse. This information may be sought at a later date if the matter is the subject of court proceedings. Your notes may also assist you later if you're required to provide evidence to support your decisions regarding the handling of child protection incidents.

For more information about how to record observations, disclosures or allegations refer to the [Child Protection Record Keeping](#) section of this Program.

### **Preserving Evidence**

When an incident of suspected child abuse occurs at the College, consider all of the following:

- environment: do not clean up the area, and preserve the sites where the alleged incident occurred;
- clothing: take steps to ensure that the person who has allegedly committed the abuse and the child who has allegedly been abused remain in their clothing. If this is not possible, ensure the clothes are not washed, handled as little as possible and stored in a sealed bag;
- other physical items: ensure that items such as weapons, bedding and condoms are untouched; and
- potential witnesses: reasonable precautions must be taken to prevent discussion of the incident between those involved in the alleged incident.

### **Managing Your Initial Response to a Child Protection Incident**

#### **Responding to an Emergency**

All teaching staff, non-teaching staff, Federation of CRC Council members, volunteers (direct and indirect), third party contractors and external education providers must act as soon as they [witness a child protection incident](#) or form a reasonable belief that a child has been or is at risk of being abused.

If a child is at immediate risk of harm you must ensure their safety by:

- separating alleged victims and others involved;
- administering first aid;



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

- calling 000 for urgent medical assistance or Police assistance to address ;
- immediate health and safety concerns; and
- nominating one of the College's Child Safety Officers to be the future liaison with Police on the matter.

The following sections outline the **six ways** that you may become aware that a child may be experiencing abuse and strategies for managing each situation, and supporting and assisting children involved in the disclosure or report.

1. [Witnessing a Child Protection Incident](#)
2. [Observation of Risk Indicators](#)
3. [Private Disclosure by a Child](#)
4. [Public Disclosure by a Child](#)
5. [Third Party Disclosure](#)
6. [Disclosure by a Former Student](#)

### **Support Following Disclosure**

#### **Witnessing a Child Protection Incident**

If you witness an incident where you believe a child has been subject to abuse you must take immediate action to protect the safety of the child or children involved.

Where there is an immediate risk to the health and/or safety of a child, follow the steps outlined in the [Responding to an Emergency](#) section of this Program.

The College's [Procedures for Responding to and Reporting Allegations of Child Abuse](#) should be followed after the health and safety of the child involved is ensured.

#### **Observation of Risk Indicators**

The different types of child abuse and their key risk indicators are set out in detail in the [Definition and Key Risk Indicators of Abuse](#) section of this Program.

The process of identifying child abuse purely through observation of risk indicators can be complex and may occur over time. The complexity is magnified by the fact that many of the key risk indicators described may also occur as a result of other factors, not related to child abuse.

If you form a concern that a child may be being abused, you should make written notes of your observations recording both dates and times. You should also [report the matter internally](#) to a College [Child Safety Officer](#).



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

### **Private Disclosure by a Child**

If a student discloses a situation of abuse or neglect to you privately, you should stay calm and not display expressions of panic or shock.

You should reassure and support the child. You can do this by:

- stating clearly that the abuse is not the child's fault;
- reassuring the child that you believe them; and
- telling the child that disclosing the matter is the right thing to do.

You should be patient, and allow the child to talk at their own pace. When responding you should use the child's language and vocabulary.

Sometimes a student may try to elicit a promise from you that you will not tell anyone about the allegation. You **must not** make this promise, as you are responsible for reporting the matter.

Finally, remember that your role is not to investigate the allegation. You should not interrogate the child or pressure them to tell you more than they want to.

Once a disclosure is made you must report the matter internally to a College **Child Safety Officer** as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.

Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the College's **Support Following Disclosure** policy.

### **Public Disclosure by a Child**

Public disclosure occurs where you observe a child disclosing abuse to another child, or group of children.

In this circumstance you should use a strategy of "protective interrupting".

The aim of "protective interrupting" is to prevent a child from disclosing details of abuse in front of other children, whilst at the same time providing the child with the opportunity to disclose later, in a safe and confidential manner.

You can do this by:



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

- asking the child if you can talk privately;
- moving the child away from the other students to a quiet space;

And then following the guidelines with respect to [managing a private disclosure](#).

Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the College's [Support Following Disclosure](#) policy.

#### **Third Party Disclosure**

A third party such as a friend of the child, a relative or another parent/carer may provide you with information relating to child abuse.

In this situation you should:

- listen to the person's concerns seeking clarification where required;
- thank the person for raising their concern;
- advise the person that we have procedures for dealing with situations like this; and
- advise the person that you will discuss their concerns with the relevant authorities.

As with [Private Disclosure](#), you should reassure and support the person providing the information.

Sometimes a person may try to elicit a promise from you that you will not tell anyone about the allegation. You **must not** make this promise, as you are responsible for reporting the matter.

Finally, remember that your role is not to investigate the allegation. You should not interrogate the third party and pressure them to tell you more than they want to.

Once a third party disclosure is made you must report the matter internally to a College [Child Safety Officer](#) as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.

#### **Disclosure by a Former Student**

A former student of the College may come forward to disclose past abuse from their time at the College. If you receive a disclosure from a former student about historical abuse, you **must** act.



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

If the former student is still of schooling age in Victoria and currently attending a Victorian school, you must follow the [Procedures for Responding to and Reporting Allegations of Child Abuse](#) in this Program, specifically the obligations you may have under the following policies:

[Failure to Protect](#)

[Obligation to Report a Sexual Offence](#)

[Mandatory Reporting](#)

[Reportable Conduct](#)

[Conduct that is Reportable to the Victorian Institute of Teaching](#)

If the former student is no longer of schooling age or attending a school in Victoria, you must still act. For example, if the disclosure includes an allegation against a current staff member or teacher at the College this may trigger obligations under our [Failure to Protect](#) policy to remove the risk of abuse to other students.

### **Support Following Disclosure**

You should take the following steps to support and assist a child after a disclosure of child abuse or neglect is made.

The range of measures employed will depend on:

- the degree of severity of the situation;
- the risk of harm to the child; and
- the capability and willingness of the parent to protect the child from harm.

The College Psychologists will provide initial support to students as triage and arrange for suitable ongoing support in consultation with parents/carers.

### **After a disclosure is made:**

- do not promise the child that you will not tell anyone about the disclosure;
- reassure the child that it was the right thing to do to tell an adult;
- tell the child what you plan to do next;
- do not confront the person believed to be the perpetrator; and
- report the matter to one of the College's [Child Safety Officers](#) who will be able to assist you in developing additional support strategies



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

### **Support for Staff and Volunteers**

Witnessing a child protection incident or receiving a disclosure or allegation of abuse can be a stressful experience for staff and Volunteers involved. The College provides support to impacted staff and Volunteers to access necessary support.

### **Reporting a Child Abuse Concern Internally**

Child abuse situations can be very complex, not only from the perspective of ascertaining whether abuse has occurred but also in understanding what steps to take to protect a child.

It is important to remember at all times that the safety and welfare of the child are paramount.

Therefore, if you have a concern that a child may be experiencing abuse, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with one of the College's **Child Safety Officers**. Our Child Safety Officers will be able to assist you in clarifying your concerns and managing the next steps.

**Please note that reporting the matter internally does not release you from other legal and regulatory reporting obligations you may have under the following policies:**

### **Obligation to Report Child Sexual Abuse**

#### **Failure to Protect**

#### **Mandatory Reporting**

#### **Reportable Conduct**

In addition, these reporting obligations apply even if the Principal, a member of the Federation of CRC Council or a Child Safety Officer advises you not to proceed with reporting suspected abuse.

### **The Obligation to Report a Sexual Offence and Failure to Protect**

Protecting children and young people against sexual abuse is a community wide responsibility. Schools have a moral and legal responsibility to ensure children and young people are safe in their care and to ensure that all forms of abusive behaviour towards children are prevented. **It is imperative to prevent, reduce and minimise child abuse and exploitation in any form.**





# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

In Victoria there are specific criminal offences which impose general obligations on persons:

- aged 18 years or over to report any belief that a sexual offence has been committed, against a child under the age of 16 years, by a person over the age of 18 years (Crimes Act 1958 (Vic) section 327); and
- in authority within a school to act to remove or reduce a substantial risk that a sexual offence will be committed against a child (Crimes Act 1958 (Vic) section 490).

Details of these obligations are set out in the following sections:

### **The Obligation to Report a Sexual Offence**

#### **Failure to Protect**

These policies inform members of the College community of their responsibilities in relation to child protection and disclosure/reporting obligations. The policies acknowledge the particular duties of care and legal responsibilities that staff members, the Principal and staff in senior leadership roles have towards children/young people in their care. They respect the dignity of children/young people and Catholic Regional College Sydenham staff members, and outline their rights and responsibilities.

#### **Principles**

In the best interests of students at Catholic Regional College Sydenham, the College's child protection strategies and procedures are based on the following principles:

- The dignity of each person, made in the image of God, is a fundamental tenet of the Catholic Church and therefore of Catholic education;
- A safe environment is required to protect children/young people from harm and to prevent staff from abusing their position of authority and trust;
- Staff need to be informed of matters related to child sexual abuse and grooming and be fully self-aware of their professional obligations and responsibilities;
- The College community is dedicated to the protection and safety of all students as reflected in the [\*\*CFCV Commitment to Child Safety:\*\*](#)
- All children/young people have the right to a thorough and systematic education in personal safety, including safety in relationships;
- Abuse of children by people in positions of trust or authority is a serious matter. All allegations must receive a response and be dealt with promptly;



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

- After a disclosure, any ongoing harm to the child/young person and the staff member is minimised by adherence to agreed procedures, provision of appropriate social and emotional support and pastoral care and appropriate confidentiality;
- The child/young person's ongoing safety and wellbeing should be the primary focus of decision making; and
- Failing to disclose the risk or act of sexual abuse against a child/young person is a serious offence.

#### **Duty of Care**

Staff members and volunteers working in Catholic schools have a duty of care to support and protect the children and young people with whom they are professionally involved. When staff members form a reasonable belief that a child or young person has been harmed or is at risk of harm, they are ethically bound to take action to protect the safety and wellbeing of that child or young person. There are also legal and other mandatory obligations relating to protecting children from harm.

Duty of care is breached if a person:

- A child states that they have been sexually abused;
- A child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves);
- Someone who knows a child states that the child has been sexually abused;
- Professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused; or
- Signs of sexual abuse leads to a belief that the child has been sexually abused.

#### **Procedures**

This policy should be read in conjunction with Catholic Regional College Sydenham's [Pastoral Care Policy](#) and [Child Safe Policy](#).

The successful implementation of these policies will include the following:

- Regularly communicating this policy to staff and the wider community;



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

- Educating children in personal safety and sexual abuse;
- Educating staff members and other members of the College community to identify possible grooming behaviours;
- Taking action that is timely, respectful and coordinated when a staff member forms a belief that a child/young person is at risk of being harmed through sexual abuse, or has been harmed. The matter must be reported to the Police and the Principal. The Police have primary responsibility for conducting investigations into the alleged matter;
- If a mandated staff member, reporting to DHHS unless otherwise advised by the Police (refer to the [Mandatory Reporting Policy](#));
- Ensuring the child/young person and the child's/young person's family have access to appropriate services in order to reduce any long-term effects of sexual abuse; and
- Documenting all allegations and retaining records in a secure area, ensuring their confidentiality. These records will be secured in the secure room adjoining the Principal's Office with restricted access to other staff. For more information refer to the College's [Record Keeping Policy](#) and [Confidentiality and Privacy Policy](#).

#### **Expected Outcomes**

Catholic Regional College Sydenham has developed a policy and associated procedures to provide further directives, advice and information with regards to the Failure to Protect and Failure to Disclose offences.

Staff members at Catholic Regional College Sydenham are informed and aware of their legal and professional obligations and responsibilities.

A thorough and systematic education in personal safety, including safety in relationships, is provided to all children/young people via an induction into the College when they commence and through the Pastoral Care Program offered at the College. VET students coming onsite undertake this unit as a part of the first OH&S Unit of Competence undertaken as a part of the VET course.

Approved professional learning in providing education in personal safety is provided to all staff members.

All allegations of sexual abuse receive a prompt response and are clearly documented.



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

### The Obligation to Report a Sexual Offence

#### Source of Obligation

Under the Crimes Act 1958 (Vic) (section 327), anyone aged 18 years or over must make a report to the Police if they form a reasonable belief that a sexual offence has been committed against a child under the age of 16 years, by a person aged 18 years or over. Failure to make a report without reasonable excuse is an offence and carries a prison term.

If a report is made to Department of Health and Human Services (DHHS) Child Protection in accordance with [Mandatory Reporting](#) requirements, an additional report to the Police will not usually be required unless further information is obtained.

This obligation applies to anyone aged 18 years or over, including all non-teaching staff, Volunteers, and students aged 18 and over. The legislation also applies to teaching staff if not already covered by the mandatory reporting obligation.

#### What must be reported?

Any person aged 18 or over who forms a reasonable belief that a sexual offence has been committed by an adult (a person aged 18 years or over) against a child under 16 has an obligation to report that information to the Police.

#### What is a sexual offence?

The Crimes Act sets out what constitutes a "sexual offence". This includes:

- Rape;
- indecent assault;
- incest;
- sexual penetration;
- grooming a child for sexual conduct; or
- encouraging a child to engage in, or be involved in, sexual activity.

A "sexual offence" includes an attempted sexual offence.



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

### What is a reasonable belief?

A "reasonable belief" is formed if a reasonable person in the same position would have formed the belief on the same grounds.

A "reasonable belief" might be formed when:

- a child states that they have been sexually abused;
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves);
- someone who knows the child states that the child has been sexually abused; or
- signs of sexual abuse lead to a belief that the child has been sexually abused.

### Exceptions

If you fail to disclose a sexual offence against a child to the Police, you will **not** be held liable where your reason for not reporting is that:

- you fear on reasonable grounds for the safety of any person (other than the offender), and a failure to report is reasonable;
- the victim told you about the sexual offence (directly or indirectly), the victim was over 16 years old when they told you about the sexual offence, and the victim requested that the information not be disclosed (unless the victim has an intellectual disability and does not have the capacity to make an informed decision about this); or
- you believe on reasonable grounds that the information has already been disclosed to the Police by another person (such as to DHHS Child Protection as part of Mandatory Reporting) and you have no further information.

Unacceptable reasons for not reporting include if you are concerned with the interests (including the reputation, legal liability or financial status) of:

- the person involved in the sexual offence; and
- any organisation (such as the College).



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

A report made under the Children, Youth and Families Act 2005 (Vic) [Mandatory Reporting](#) obligations may constitute a 'reasonable excuse' if you believe that you have no further information to provide to the Police.

### Internal Reporting

All staff members and volunteers at Catholic Regional College Sydenham are directed to provide the Principal with details of a matter that may fall within the obligation to report a sexual offence, especially if the staff member or volunteer has made the decision not to report the matter. There is no situation whereby any person engaging with students at Catholic Regional College Sydenham may not provide the Principal (or Chair of the Federation of CRC Council if the matter involves the Principal) with the information, given that families enter into a contract with the College and the Principal is the delegated authority. The Principal must therefore be made aware if a person is choosing not to make a report. No person engaging with a student at Catholic Regional College Sydenham may offer confidentiality regarding a disclosure made to them about a child protection issue.

### Record Keeping Obligations

For the College's record keeping obligations relating to child protection incidents, refer to [Child Protection Record Keeping](#).

### Failure to Protect

#### Source of Obligation

Where a person in a position of authority at the College knows that a staff member, Volunteer, Third Party Contractor, or other person associated with the College poses a substantial risk of committing a sexual offence against a student or students, the person has a duty to take immediate action to ensure that the student or students are protected from that risk.

The College has a duty of care which requires the protection of all students from foreseeable risks while at school or engaging in College activities.

In addition, under section 49O of the Crimes Act 1958 (Vic) (Crimes Act) a person who:

- a) by reason of the position they occupy within or in relation to the College, has the power or responsibility **to reduce or remove a substantial risk** that a relevant child (under the age of 16 who is, or may come under the care, supervision or authority of the College) will become the victim of a sexual offence committed by a person of or over the age of 18 years who is **associated with the College**; and



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and

- b) knows that there is a substantial risk that the person will commit a sexual offence against a relevant child, **must not negligently fail to reduce or remove that risk.**

#### Who must act to protect?

The person responsible for taking steps to remove or reduce the risk to the student will depend upon the source of the risk. In a normal school context usually a member of the Leadership Team would have the necessary degree of supervision, power and authority to remove or reduce the risk. On tours, excursions, or camps a teacher or a volunteer coach could have the requisite power and responsibility.

Examples of people in a position of authority include:

- the Federation of CRC Council;
- the Principal;
- members of the College Leadership Team;
- teachers; or
- Volunteers where they are in a position of supervision.

#### When should action be taken?

A person in a position of authority at the College is required to act if they know that there is a substantial risk that a student or students may become the victim of a sexual offence, and the risk is caused by a person associated with the College.

*Knowledge* is more than holding a tentative belief or mere suspicion.

If a person in authority has a suspicion or belief that students are at risk of harm they must take steps to follow up on that suspicion or belief by investigating further and should raise the issue with a College Child Safety Officer.

The duty to act extends to situations where the students at risk or the person in authority is outside of Victoria.



## **Catholic Regional College Sydenham**

### **Policy: Procedures for Responding to and**

#### **What is a substantial risk?**

A risk will be a substantial risk if a reasonable person would have judged the risk of a sexual offence being committed against the student as being substantial.

It is not necessary to prove that a sexual offence was committed in order for the substantial risk to exist - a person in a position of authority should not wait for a student to be harmed before acting.

A number of factors will contribute to determining if a risk is a substantial risk, including:

- the likelihood or probability that a child will become the victim of a sexual offence;
- the nature of the relationship between a child and the adult who may pose a risk to the child;
- the background of the adult who may pose a risk to the child, including any past or alleged misconduct;
- any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence; and
- any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.

#### **What is a sexual offence?**

Action must be taken where there is a substantial risk of sexual offences occurring, including:

- rape;
- indecent assault;
- incest;
- sexual penetration;
- grooming a child for sexual conduct;
- encouraging a child to engage in, or be involved in, sexual activity; or





## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and

- an attempted sexual offence or an assault with intent to commit a sexual offence.

#### Who is "a person associated with the College"?

A person associated with the College is an adult and can be a:

- Federation of CRC Council member;
- Principal;
- Teacher;
- boarding house supervisor;
- employee;
- Volunteer (including parent/carer volunteers); or a
- Third Party Contractor.

A person will not be considered to be associated with the College purely because they receive services from the College.

#### Procedure to Reduce or Remove a Substantial Risk

Where any person in a position of authority at the time, becomes aware of a risk of a sexual offence against a student or students under their care, they should immediately:

- take reasonable steps which would remove or reduce the risk to the student or students, which may include immediately removing the person from contact with the student or students;
- report the matter to a College [Child Safety Officer](#), and the Principal, as soon as practicable;
- conduct an investigation unless this relates to a Mandatory Reporting situation; and
- make the appropriate report.

Appropriate action to be taken may include, for example:



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

- a current employee who is known to pose a risk to a student or students should be immediately removed from contact with students and reported to authorities and investigated; or
- a parent who is known to pose a risk of sexual abuse to children should not be allowed to attend overnight College camps as a parent helper.

**Whenever there are concerns that a child is in immediate danger call the Police on 000.**

### Record Keeping Obligations

For the College's record keeping obligations relating to child protection incidents, refer to [Child Protection Record Keeping](#).

### Mandatory Reporting

#### Source of Obligation

The Children, Youth and Families Act 2005 (Vic) (CYFA) (section 184) requires Mandatory Reporters to make a report to Department of Health and Human Services (DHHS) Child Protection when they believe that a child (aged under 17) is in need of protection from significant harm from physical injury or sexual abuse.

If a Mandatory Reporter makes a report in accordance with their Mandatory Reporting obligations under the CYFA, an additional report to the Police under section 327 Crimes Act 1958 (Vic) may not be required unless you have further information.

This Policy must be read in conjunction with the [Child Abuse Key Risk Indicators](#) and [The Obligation to Report a Sexual Offence](#).

#### Who must make a mandatory report?

Mandatory Reporters are defined by the CYFA in section 182, and include:

- teachers;
- the Principal;
- medical practitioners;
- nurses;
- registered psychologists;
- early childhood workers; and
- persons in religious ministry.



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

"Persons in religious ministry" is defined by the CYFA to mean "a person appointed, ordained or otherwise recognised as a religious or spiritual leader in a religious institution." This definition includes a chaplain, priest, pastor, minister, brother or nun.

It is the responsibility of other staff, Volunteers or members of the College community to check whether they are Mandatory Reporters under child protection legislation.

#### Reporting by Non-Mandated Staff

If you are not a Mandatory Reporter, you still have the option of making a report to DHHS Child Protection under the CYFA if you believe on reasonable grounds that a child is in need of protection.

The CYFA states that any person who believes on reasonable grounds that a child is at risk of harm should report their concerns to DHHS Child Protection.

All College staff who have concerns that a student may be in need of protection or may have been the victim of a sexual offence, should notify a College Child Safety Officer as soon as possible to discuss their concerns. Also refer to [The Obligation to Report a Sexual Offence](#).

**A Mandatory Reporter must make a report even if the Child Safety Officer does not share their belief that a report must be made.**

#### What gives rise to a mandatory report?

A Mandatory Report must be made when you form a belief on **reasonable grounds** that a child is in need of protection where the child has suffered, or is likely to suffer, **significant** harm as a result of:

- **physical injury**; or
- **sexual abuse**;

And the child's **parents have not protected, or are unlikely to protect**, the child from harm of that type.

#### **Reasonable Grounds**

The concept of "reasonable grounds" requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well founded and based on information from a reliable source. There may be reasonable grounds for forming such a belief if:

- a child states they have been physically or sexually abused;
- a child states that they know someone who has been physically or sexually abused;



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

- someone who knows the child states that the child has been physically or sexually abused;
- a child shows signs of being physically or sexually abused;
- the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a child's safety, stability or development;
- the staff member observes signs of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision; or
- a child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child.

### ***Significant***

"Significant" means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is "significant" is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare or wellbeing.

Significant harm can result from a single act or omission or an accumulation of these.

### ***Physical Injury or Sexual Abuse***

To assist in identifying physical injury or sexual abuse, refer to the College's information relating to [Definition and Key Risk Indicators of Abuse](#).

### ***Parents Have Not Protected, or Are Unlikely to Protect, the Child from Harm of That Type***

The meaning of this phrase is not defined by legislation, but some examples may assist.

A parent who "has not protected, or is unlikely to protect that child from harm of that type" includes a parent who wants to protect their child from harm, but lacks the means to.

It also includes a parent who has the means to protect their child from harm, but does not want to.

A parent may be rendered "unlikely to protect" that child for many reasons. For example:



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

- that parent does not, or refuses to recognise that harm is occurring;
- that parent or child may be subject to domestic violence; or
- that parent's partner may be abusive or harmful to the child.

“Parent” includes:

- the child's father;
- the child's mother;
- the spouse of the mother or father of the child;
- the domestic partner of the father or mother of the child;;
- a person who has custody of the child;
- a person who is named as the father on the child's birth certificate;
- a person who acknowledges that he is the father of the child by an instrument under the Status of Children Act 1974 (Vic); and
- a person in respect of whom a court has made a declaration or a finding or order that the person is the father of the child.

#### What to Report and When

A report becomes mandatory as soon as is practicable after forming the belief.

A report must include details of the belief, and the reasonable grounds of that belief.

Additional reports must be made on each occasion where you become aware of any further reasonable grounds for the belief.

Refer to the Victorian Department of Education’s Guide to [Making a Report to Child Protection or Child FIRST](#) (Child and Family Information, Referral and Support Team) for guidance on making a decision on whether to report.

You can also refer to the [Four Critical Actions for Schools](#) for information on reporting and responding to child abuse.



## **Catholic Regional College Sydenham**

### **Policy: Procedures for Responding to and Reporting Allegations of Child Abuse**

#### **How is a report/referral made?**

Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

A report to DHHS Child Protection should be considered if the staff member forms the view the child is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development;
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability and development; and
- the child's parents cannot or will not protect the child from harm.

To report concerns about the immediate safety of a child within their family unit, call the 24-hour Child Protection Crisis Line 13 12 78.

Concerns that require immediate attention should be made to the local or regional Human Services Child Protection office, or the After Hours Child Protection Emergency Services on 13 12 78. The local Human Services Child Protection office contacts are:

Western Metropolitan Child Protection unit: 1300 369 536

SOCIT Brimbank: (03) 9313 3460

#### ***Internal Reporting Procedures***

At Catholic Regional College Sydenham the Wellbeing Team and the College's Child Safety Officers are available to the mandatory reporter to whom the disclosure of physical and/or sexual abuse from a student or about a student has been made. The role of the Wellbeing Team and Child Safety Officers is to assist the mandatory reporter to clarify the formation of the belief that abuse has occurred, the grounds on which this belief has been formed and the needs of the child for protection from further harm. The Wellbeing Team and Child Safety Officers are also to offer support for the staff member concerned by being available to listen, be present when meeting with the Principal and if necessary, be present when meeting with DHHS Child Protection.

The Wellbeing Team that needs to be consulted on mandatory reporting cases can be made up of any one or two of the following staff members:

- Members of the Leadership Team;
- Wellbeing Team members;



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

- The College Psychologist; or
- The Principal, who is an automatic member, since it is recommended all intentions of notifications and documentations be disclosed to them (unless it is not appropriate to do so, for example if the allegation involves the Principal).

If a child protection incident that may give rise to a mandatory report occurs, the following procedures should be followed:

- If the staff member to whom the disclosure has been made is unsure whether the issue is reportable they must immediately meet with relevant members of the Wellbeing Team (one member is sufficient) or a Child Safety Officer to discuss the information received. This discussion may assist the staff member to clarify the formation of the belief that abuse has occurred, the grounds on which this belief has been formed and the needs of the child for protection from further significant harm.
- If after the discussion the staff member forms a belief on reasonable grounds that a child needs protection (or already holds that belief), the staff member will receive support from the member/s of the Wellbeing Team and/or Child Safety Officers who should inform the Principal of their intention to notify DHHS Child Protection of the disclosure.
- The staff member to whom the disclosure has been made must notify DHHS Child Protection as soon as is practicable after forming the belief.
- Once a report has been made DHHS Child Protection will inform the person making the report if they will initiate an investigation and any outcome of the report.
- The staff member should also complete and submit a [Child Protection Incident Report Form](#) to a Child Safety Officer or the Principal, if possible before making the report to DHHS Child Protection.
- Parents/carers are not to be notified of the report until DHHS Child Protection and/or the Police has been consulted. Refer to the [Communication with Parents/Carers policy](#).
- If, following a discussion with a member of the Wellbeing Team and/or a Child Safety Officer the staff member does not hold a belief that would give rise to mandatory report, they must document this clearly and communicate this to the Wellbeing Team or a Child Safety Officer.
- If the staff member continues to believe that a child may be in need of protection from significant harm from physical injury or sexual abuse, they should keep records of any further observations. If additional reports are required, the first two steps should be followed again.



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

- The Police or DHHS Child Protection may interview students regarding child protection incidents at the College. For further information, refer to [Support for Students Interviewed at the College](#).
- If the Police or DHHS Child Protection request to interview a staff member, the Principal or their nominee should be present and a written record kept of the interview.

### What if I don't have a reasonable belief?

If you don't have a reasonable belief about a child, but still have concerns, you can refer the matter to a College [Child Safety Officer](#).

There is also the option to refer the matter to Child FIRST.

A referral to Child FIRST should be considered if a staff member forms the view that the concerns have a low-to-moderate impact on the child and the immediate safety of the child is not compromised.

A referral can be made when the following factors may affect a child:

- significant parenting problems;
- family conflict;
- a family member's physical or mental illness, substance abuse, disability or bereavement;
- isolated or unsupported families; or
- significant social or economic disadvantage.

For more information, refer to [Responding to Other Concerns About the Wellbeing of a Child](#).

### What happens after a report/referral is made?

After receiving a report, DHHS Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required. In most cases, DHHS Child Protection will inform the reporter of the outcome of the report.

After receiving a referral, Child FIRST may consult an experienced community-based Child Protection practitioner in their assessment. The assessment may lead to the involvement of a local family services organisation.





## Catholic Regional College Sydenham

# Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

In most cases, Child FIRST will inform the referrer of the outcome of the referral.

Child FIRST must report the matter to DHHS Child Protection if they form the view the child is in need of protection.

Reports made to the Police will be dealt with in accordance with Police practice.

### **What happens after a report/referral is made?**

After receiving a report, DHHS Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required. In most cases, DHHS Child Protection will inform the reporter of the outcome of the report.

After receiving a referral, Child FIRST may consult an experienced community-based Child Protection practitioner in their assessment. The assessment may lead to the involvement of a local family services organisation.

In most cases, Child FIRST will inform the referrer of the outcome of the referral.

Child FIRST must report the matter to DHHS Child Protection if they form the view the child is in need of protection.

Reports made to the Police will be dealt with in accordance with Police practice.

### **Record Keeping Obligations**

For the College's record keeping obligations relating to child protection incidents, refer to [Child Protection Record Keeping](#).

### **Reportable Conduct**

#### **Source of Obligation**

The Child Wellbeing and Safety Act 2005 (Vic) (the Act) requires College to investigate and report to the Commission for Children and Young People (CCYP) allegations of "employee" reportable conduct or misconduct that may involve reportable conduct.

The College has developed the following policy which sets out our systems for enabling persons to report reportable conduct and for such reports to be investigated and responded to.



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

This policy is made available to all staff, Volunteers, Third Party Contractors, the Federation of CRC Council, parents/carers and students via our public website and College intranet.

The CCYP's [website](#) provides additional guidance and materials which assist the College to understand and meet their obligations under the Act.

#### Who is an employee?

Section 3 of the Act defines "employee" as a person aged 18 years or over who is:

- employed by the College whether or not that person is employed in connection with any work or activities of the College that relate to children; or
- engaged by the College to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to children.

A minister of religion or a religious leader is also an employee.

Of relevance to the College, the following people are considered to be employees:

- Federation of CRC Council Members;
- the Principal;
- staff members;
- Volunteers;
- Third Party Contractors; and
- External Education Providers.

**For the purposes of this policy, all of the above are referred to collectively as "Staff" or "Staff Members".**

#### What is reportable conduct?

Reportable conduct is defined in section 3 of the Act to mean:



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

- a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded;
- sexual misconduct committed against, with or in the presence of, a child;
- physical violence committed against, with or in the presence of, a child;
- any behaviour that causes significant emotional or psychological harm to a child; or
- significant neglect of a child.

**“Sexual misconduct”** includes:

- behaviour, physical contact or speech or other communication of a sexual nature, for example 'sexting';
- inappropriate touching or physical contact;
- grooming behaviour; and
- voyeurism.

**Sexual offence** for the purposes of the Reportable Conduct Scheme means a serious sexual offence as set out in clause 1 of Schedule 1 of the Sentencing Act 1991 (Vic), which includes rape, attempted rape, sexual assault, incest, indecent act with a child, persistent sexual abuse of a child, grooming and the production or possession of child pornography.

**“Significant”** means in relation to emotional or psychological harm or neglect, that the harm is more than trivial or insignificant, but need not be as high as serious and need not have a lasting permanent effect.

The CCYP has provided guidance on how to identify physical violence, behaviour that causes emotional or psychological harm to a child and neglect.

**“Physical violence”** includes an act that causes physical injury or pain. Examples of physical violence can include:

- hitting/kicking/punching;
- pushing/shoving/grabbing/throwing/shaking;
- using an object to hit or strike; and
- using inappropriate restraint/excessive force.



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

Physical violence does not include:

- reasonable steps taken to protect a child from immediate harm, such as taking a child's arm to stop them from going into oncoming traffic; or
- medical treatment given in good faith by an appropriately qualified person, such as a first aid officer administering first aid.

**Behaviour that causes emotional or psychological harm to a child**" requires a clear link between the alleged conduct and the significant harm suffered (significant is defined above).

Signs that a child may have been emotionally or psychologically harmed may include:

- patterns of out-of-character behaviour;
- regression in behaviour;
- distress and anxious behaviours; and
- other physical symptoms, such as self-harm.

The exacerbation or aggravation of an existing mental health disorder may also cause emotional or psychological harm.

Examples of emotional or psychological harm may include:

- exposure to violence or threats of violence;
- self-destructive behaviour;
- antisocial behaviour;
- persistent hostility/rejection;
- humiliation/belittling; or
- scapegoating.

It will not be reportable conduct if:

- a person takes reasonable steps to protect a child from immediate harm;



## Catholic Regional College Sydenham

# Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

- a person with responsibility for discipline takes lawful and reasonable disciplinary action, such as sending a child to sit in 'time out' for a period of time (refer to our [Student Discipline Policy](#)); or
- an appropriately qualified person, gives medical treatment in good faith such as a first aid officer administering first aid.

"**Neglect**" occurs when a person does not meet their obligations and responsibilities to keep a child safe and well. The neglect:

- must be more than minor and insignificant;
- does not need to have a lasting or permanent effect; or
- may be an ongoing situation or a one-off incident, as long as it is not minor in nature.

Refer to [Definition and Key Risk Indicators of Abuse](#) for more information about sexual offences, grooming, physical violence, emotional or psychological harm and neglect.

Our Child Safe Code of Conduct outlines expected standards of behaviour for all staff, Volunteers and Third Party Contractors at the College. It is important to note that a breach of this Code will not always constitute an incident of reportable conduct. Such breaches can often be dealt with at the College level and don't need to be reported to the CCYP. For example, reasonable discipline of a student would not amount to behaviour that causes emotional or psychological harm to a child and therefore is not reportable conduct.

### What must be notified?

Under the Act, the College must notify the CCYP of a **reportable allegation** against a Staff Member.

**Reportable allegation** is defined in section 3 of the Act to mean any information that leads a person to form a reasonable belief that a Staff Member has committed:

- reportable conduct; or
- misconduct that may involve reportable conduct – whether or not the conduct/misconduct is alleged to have occurred in the course of the person's employment at the College.

Guidance from the CCYP states that **reasonable belief** is more than a suspicion. There must be some objective basis for the belief. However, it is not the same as proof and does not require certainty.



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

### Who must make the notification?

Any person may disclose a reportable allegation to the CCYP by using an online form available from the CCYP's [website](#), by phone or by letter (section 16L of the Act).

While any person *may* disclose a reportable allegation, the "head" of the College *must* notify the CCYP of a reportable allegation (section 16M).

The "head" of the College has distinct responsibilities under the Reportable Conduct Scheme. The "head" of the College is the Principal.

It is a criminal offence for the Principal to fail to disclose a reportable allegation to the CCYP without a reasonable excuse. The Act doesn't define what a reasonable excuse may be, but section 16M(5) provides an exemption if they honestly and reasonably believed that another person had notified the CCYP.

The Principal must make a report using an online form available from the CCYP's [website](#).

### Fulfilling the Principal's Responsibilities

The Principal is responsible for ensuring the College complies with the reportable conduct obligations under the Act. However, the CCYP does not expect the Principal to practically carry out their responsibilities alone. They may seek help from other people within the College. This may include creating and developing systems, sending approved notifications to the CCYP, or conducting investigations on behalf of the Principal.

The Principal cannot *delegate* their responsibilities under the Act – they are still solely responsible for ensuring the College's compliance with the Reportable Conduct Scheme.

The Principal has authorised the Deputy Principal to carry out physical or practical tasks such as making notifications to the CCYP, or liaising with the CCYP, when the Principal is unavailable.

### Reportable Conduct and Other Reporting Obligations

The reportable conduct obligation covered in this policy is separate and distinct from the:

[Mandatory Reporting](#) obligation under the Children, Youth and Families Act 2005 (Vic)

[Obligation to Report a Sexual Offence](#) obligation under the Crimes Act 1958 (Vic)

[Conduct that is Reportable to the Victorian Institute of Teaching](#) under the Education and Training Reform Act 2006 (Vic).



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

The threshold for reporting allegations of reportable conduct is much lower than these other reporting obligations.

**Any allegations of criminal conduct, including physical violence, significant emotional or psychological abuse, sexual offences and significant neglect must be reported to the Victorian Police as the first priority. A Police investigation will take priority over any investigation conducted by the College under this Policy.**

### Internal Reporting of Reportable Allegations

As soon as a person, including a Staff Member, forms a reasonable belief that a Staff Member at the College has engaged in reportable conduct or misconduct that may involve reportable conduct (a reportable allegation), the person must notify the Principal. The report may be made verbally or in written form using the Responding to Suspected Child Abuse Template available [here](#).

This Template was created for reporting abuse, rather than reportable conduct but it is an excellent way to record as much information about reportable allegations as is available.

Where the reportable allegation involves the Principal, the Staff Member must notify the Deputy Principal or the CCYP using an online form available from the CCYP's [website](#), by phone or by letter.

Where a verbal report is made by a Staff Member, it should be followed up with a written report provided to the Principal within 48 hours of the verbal report.

Where a Staff Member has a reasonable belief that the Principal has engaged in reportable conduct, verbal and written reports should be given to the Deputy Principal or the CCYP directly using an online form available from the CCYP's [website](#), by phone or by letter.

### Reporting to the CCYP: The Principal or Deputy Principal

Where the Principal receives a reportable allegation from any person, including a Staff Member, they must notify the CCYP within three business days.

Where the reportable allegation involves the Principal, the person must notify the Deputy Principal who will become the "head" of the College for the purposes of reporting the reportable allegation.

There are two stages of reporting.

The CCYP must be notified by the Principal in writing of:



## Catholic Regional College Sydenham

# Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

- the reportable allegation as soon as possible, and in any event within three business days of the Principal being notified of the reportable allegation (**Stage One Report**); and
- the proposed next course of action (see below), as soon as practicable, and within 30 days of becoming aware of the reportable allegation (**Stage Two Report**).

### ***Stage One Report***

The report to the CCYP must state:

- that a reportable allegation has been made against a Staff Member;
- the name (including any former name and alias, if known) and date of birth, if known, of the Staff Member;
- whether the Victoria Police has been contacted about the reportable allegation;
- the name, address and telephone number of the College; and
- the name of the Principal.

An online form available on the CCYP's [website](#) must be used for the Stage One Report.

If the Staff Member is a registered teacher and the misconduct involves a charge, conviction or finding of guilt of a sexual offence, the College must immediately notify the Victorian Institute of Teaching (VIT) under our [Conduct that is Reportable to the Victorian Institute of Teaching](#) policy. The timing of making a Stage One Report to the Commission under this policy will coincide with the timing of a report made to the VIT.

### ***Stage Two Report***

The report to the CCYP must state:

- detailed information about the reportable allegation;
- whether or not the College proposes to take any disciplinary or other action in relation to the Staff Member and the reasons why it intends to take, or not to take, that action; and
- any written submissions made to the Principal concerning the reportable allegation that a Staff Member wished to have considered in determining what, if any disciplinary or other action should be taken in relation to the Staff Member.





## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

**Any allegation of criminal conduct, including physical violence, significant emotional or psychological abuse, sexual offences or significant neglect, must be reported to the Victorian Police. A Police investigation will take priority over any investigation conducted by the College under this Policy.**

#### **What happens after a report to the CCYP is made?**

After the Principal or the Deputy Principal has made a report to the CCYP, they must ensure that an appropriate investigation of the reportable allegation is conducted.

The investigation can be conducted by the Principal or the Deputy Principal (if authorised by the Principal or the allegation involves the Principal). Alternatively, the College can appoint a regulator (for example the VIT) or an independent investigator. A regulator engaged by the College for the purposes of an investigation may also appoint an independent investigator.

The Principal or the Deputy Principal must notify the CCYP of who will be conducting the investigation.

The investigation must be conducted in accordance with the rules of procedural fairness and natural justice. For example, the investigation should be conducted without bias and the person against whom the allegation is made should be given the right to respond. Refer to the CCYP's [Information Sheet 4 Investigation overview](#) for more information on what to consider when conducting an investigation.

A Police investigation into any matter takes priority over an investigation by the College. On becoming aware that the Police are investigating a reportable allegation:

- the College should consult with the Police before commencing an investigation to find out if the Police are, or will be, conducting an investigation; and
- the College's investigation should be put on hold until the Police investigation is complete.

The Principal or Deputy Principal must give the CCYP:

- a copy of the findings of the investigation and the reasons for those findings;
- details of any disciplinary or other action that the College proposes to take in relation to the Staff Member and the reasons for that action; and
- if the College does not propose to take any disciplinary or other action in relation to the Staff Member, the reasons why no action is to be taken.



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

Under the Act, a Staff Member may seek a review by the CCYP of a finding made at the conclusion of an investigation.

### **Information Sharing: Children and Parents/Carers**

Under the Act, the Principal or Deputy Principal (if authorised by the Principal) may disclose:

- information about the progress of the investigation;
- the findings, reasons for the findings and the recommendations made at the conclusion of the investigation;
- an action taken in response to those findings;

to:

- the child who is the subject of the reporting allegation;
- a parent;
- a carer; and
- the DHHS if the child is under its care.

### **Information Sharing: Schools, the CCYP and Others**

Under the Act, the Principal or Deputy Principal (if authorised by the Principal) may disclose information in relation to:

- a reportable allegation;
- a concern that reportable conduct has been committed;
- the investigation of a reportable allegation or concern about reportable conduct;
- the findings of an investigation and the reasons or recommendations made at the conclusion of the investigation;
- any action taken in response to those findings;

to:



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and

- the CCYP;
- the head of another entity governed by the Act, such as another school;
- a regulator;
- the Chief Commissioner of Police;
- if necessary for the purposes of an investigation, an independent investigator;
- if necessary for the purposes of a Working with Children Check, the Secretary to the Department of Justice and Regulation; and
- a relevant Minister.

#### **Publication of Information**

The College must not publish information that would enable the identification of:

- a person or who notified the CCYP; or
- a child in relation to whom a reportable allegation was made or a finding of reportable conduct was made.

The Act provides more information on the meaning of "publish", which includes making the information publicly available in writing or email.

#### **Powers of the CCYP**

The CCYP has broad powers under the Act in relation to investigating a reportable allegation at the College. The CCYP may visit the College, inspect documents and interview Staff or students involved in the reportable allegation.

The College must assist the CCYP in all reasonable aspects of its investigation.

#### **Record Keeping**

The College maintains records of these reportable allegations, written reports and reportable conduct investigation findings indefinitely.

Records relating to a child protection incident are only disposed of in accordance with our [Records Management Policy](#).



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

### **Student Sexual Offending**

All staff, Volunteers, Third Party Contractors and External Education Providers must take action if they suspect, or are witness to, student sexual offending.

The [\*\*Four Critical Actions for Schools: Responding to Student Sexual Offending\*\*](#) published by the DHHS must be applied in any circumstance where there is an incident, allegation, or you form a suspicion that, a student is victim to a student sexual offence and/or a student has committed a sexual offence.

This includes suspected sexual offending that may have taken place outside of College grounds and hours.

### **What is student sexual offending?**

Student sexual offending refers to sexual behaviour by a student at the College, over 10 years of age, which amounts to a sexual offence. Sexual offences are defined in the Crimes Act 1958 (Vic) and include:

- Rape;
- sexual assault;
- indecent acts; and
- other unwanted sexualised touching.

### **Responding to Incidents of Student Sexual Offending**

There are four main ways to become aware of student sexual offending:

- witnessing an incident;
- forming a suspicion through observing risk indicators;
- receiving a disclosure from or about a current student; or
- receiving a disclosure from or about a former student.

For more information about how to respond in the first instance refer to [\*\*Managing Your Initial Response to a Child Protection Incident\*\*](#).



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

When you become aware of, or suspect, student sexual offending, or that a student is at risk of perpetrating or suffering student sexual offending, you must follow the Four Critical Actions for Schools: Responding to Student Sexual Offending:

### 1. Responding to an Emergency

### 2. Reporting to Authorities

### 3. Contacting Parents/Carers

### 4. Providing Ongoing Support

#### **Action 1: Responding to an Emergency**

As soon as you become aware of student sexual offending, you must take steps to protect all affected students, including:

- separating the alleged victim and others involved, ensuring all affected students are supervised by a staff member;
- arranging and providing any necessary urgent medical care by either administering first aid or calling 000 for an ambulance;
- calling 000 for urgent Police assistance if the alleged student offender poses an immediate health or safety risk to any person at the College; and
- taking reasonable steps to preserve the environment, clothing, other items or potential witnesses until the Police arrive.

You must record all immediate action taken in the Student Sexual Offending Record Keeping Template available in the Child Protection Record Keeping section of this Program.

#### **Action 2: Reporting to Authorities**

##### **Report to Victoria Police**

After the immediate health and safety of all students involved has been addressed, you must report incidents, allegations, disclosures and suspicions of student sexual offending to Victoria Police on 000.



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

### Report to DHHS Child Protection

Additionally, you must report the incident to DHHS Child Protection if you reasonably believe that:

- the victim's parents/carers are unable to protect the child
- the student who is alleged to have engaged in student sexual offending is:
  - over 10 and under 15 years of age and may be in need of therapeutic treatment (see below) to address their sexually abusive behaviours
  - displaying **physical and behavioural indicators** which lead you to reasonably believe that they may have been a victim of abuse, neglect or grooming.

When reporting to DHHS Child Protection, you must identify a contact person at the College for future liaison with DHHS Child Protection about the incident. This can be the Principal or the Senior Child Safety Officer for example. Additionally, you should seek advice from DHHS Child Protection about contacting parents/carers.

### Report to the Principal and/or the Leadership Team

Following any incident, allegation, disclosure or suspicion of student sexual offending you must report the matter to the Principal and/or to the Leadership Team. When reporting to the Principal and/or the Leadership Team include:

- the details of the suspected student sexual offending, including the names of those involved;
- any immediate actions taken to protect the safety of the students involved;
- your report to Victoria Police and/or DHHS Child Protection; and
- possible steps that can be taken to contact parents/carers to support the students impacted by the incident, where appropriate.

If you have notified the Principal before making an external report to Victoria Police or DHHS Child Protection, and they advise you not to make an external report, you must disregard this advice if you have formed a reasonable belief that student sexual offending has occurred, and you must make a report to the Police and, where appropriate, DHHS Child Protection.

A failure to report student sexual offending may amount to a criminal offence under the **Obligation to Report a Sexual Offence**.



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

If you decide not to report externally, you must record the reasons for this decision in the Student Sexual Offending Record Keeping Template available in the [Child Protection Record Keeping](#) section of this Program.

The Principal has additional responsibilities in coordinating the College's response to the incident. Refer to the Principal's Checklist developed by DHHS Child Protection [here](#).

### **Child in Need of Therapeutic Treatment**

Any person may report concerns to DHHS Child Protection about a child's (aged over 10 years and under 15 years) sexually abusive behaviour. DHHS Child Protection may then make an application to the Children's Court for a therapeutic treatment order if it assesses that the child is in need of therapeutic treatment, and the child, or the child's parents/carers, are unable or unwilling to access treatment.

Note that reporting to DHHS Child Protection in relation to a child in need of therapeutic treatment does not replace your requirement to report student sexual offending to Victoria Police. All instances of student sexual offending must be reported to the Police.

### **Making Additional Reports**

Every report is critical to protecting a child by building evidence and providing more information to authorities. Therefore, you must make a new report in any circumstances where you become aware of any further incidents, allegations, disclosures, or form a new suspicion, of student sexual offending.

Even where DHHS Child Protection or Victoria Police have been involved or notified regarding the same incident, you must report all new information.

Your reporting obligations are separate from others' obligations, so even where you think that another person at the College might make a report about an incident based on their own information, you too must report your suspicion or knowledge of student sexual offending. It's important to remember that others may not have the specific detail that you have regarding the incident.

Where you and another staff member have formed a reasonable belief of student sexual offending involving the same child, based on the same events or information, you can discuss who is best placed to report the matter to Victoria Police or DHHS Child Protection, however the non-reporter must ensure that the report has been made.



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

### Reporting Student Sexual Offending and Other Reporting Obligations

The obligation for staff, Volunteers, Third Party Contractors and External Education Providers to report student sexual offending to Victoria Police and, where appropriate, DHHS Child Protection is separate and distinct from other legal reporting obligations.

However, there are times when more than one reporting obligation will apply.

For example, an incident of student sexual offending may give rise to the obligation to report to Victoria Police under these student sexual offending requirements, the [Mandatory Reporting](#) scheme and the [Obligation to Report a Sexual Offence](#).

The offence of [Failure to Protect](#) a child from a substantial risk of becoming a victim of a sexual offence committed by an adult associated with the College does not apply to student sexual offending, unless you form a reasonable belief that an adult associated with the College may have also engaged in the offence.

### **Action 3: Contacting Parents/Carers**

Following an incident, allegation, disclosure or suspicion of student sexual offending, communicating with the parents/carers of students involved is critical.

However, it is equally important that before contacting parents/carers, advice is sought from Victoria Police and/or DHHS Child Protection to ensure that communication is the correct decision and also to confirm what should be communicated.

Sometimes communication with parents/carers is not appropriate because:

- a disclosure to the parent/carer may subject the child to abuse;
- the student is an adult (aged 18 years or over) and has requested that their parent/carer not be notified;
- the student is a mature minor (assessed to be sufficiently mature and intelligent to make such decisions on their own behalf) and has requested that their parent/carer not be notified (in these circumstances it is preferable that the child nominate another responsible adult to be contacted); and
- contacting the parents/carers is likely to adversely affect a Victoria Police or DHHS Child Protection investigation of the student sexual offending.





## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

If the Police or DHHS Child Protection have advised that it is appropriate to contact the parents/carers, remember to:

- remain calm, be empathetic, and acknowledge their concerns;
- provide appropriate details of the incident of student sexual offending;
- outline the action the College has taken to date, including who the incident has been reported to;
- provide the name and contact number of the Police officer or DHHS Child Protection worker who is investigating the matter;
- provide information on whether they are likely to be contacted by the Police or DHHS Child Protection;
- inform them that the investigation may take some time and ask what further information or assistance the College can provide; and
- assure them that the College's wellbeing staff can provide support to the student.

All communication with parents/carers must be recorded using the Student Sexual Offending Record Keeping Template available in the [Child Protection Record Keeping](#) section of this Program.

#### **Action 4: Providing Ongoing Support**

Instances of student sexual offending can cause trauma and significantly impact on the mental health and wellbeing of students involved, and College community members.

In addition to reporting incidents of student sexual offending, and communication with parents/carers, the College must provide ongoing support to students, staff, Volunteers and other members of the College community affected by the incident.

Support for affected students (including victims of the offending, or those who engaged in the offending) can include direct support from wellbeing professionals including the College Psychologist, referral to external wellbeing professionals, support during any [Police or DHHS Child Protection interviews](#) with the student, and should also include the development of a Student Support Plan.

Where appropriate, this ongoing support should be provided in partnership with affected students' parents/carers.

Whilst a child's background should not impact on a decision to report alleged or suspected abuse, neglect or grooming, you should be sensitive to a child's individual circumstances when providing support and working with parents/carers impacted by abuse.



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

Before creating a Student Support Plan, special consideration needs to be taken for students who:

- have a disability;
- identify as Aboriginal or Torres Strait Islander;
- are from culturally or linguistically diverse (CALD) backgrounds;
- have refugee backgrounds; or
- are overseas students.

Support must also be provided to staff and Volunteers impacted by student sexual offending. Staff and Volunteers can contact Independent Schools Victoria on (03) 9825 7200 for more information about wellbeing support.

You must record the planned actions to be taken to support all students involved in the student sexual offending using the Student Sexual Offending Record Keeping Template available in the [Child Protection Record Keeping](#) section of this Program.

#### **Responding to Other Concerns About the Wellbeing of a Child**

If you have any concern about the wellbeing of a child or young person, regardless of whether or not it has been caused by abuse or neglect, your concern should be taken seriously and acted upon.

The College and its teaching staff, non-teaching staff, Federation of CRC Council members, Principal, Volunteers, Third Party Contractors and External Education Providers (**together, known as "Staff" for the purposes of this policy only**) owe a duty of care to all students at the College to ensure that they feel safe and are supported at College.

Concerns about the wellbeing of a child, that do not appear to be the result of abuse or neglect, may be reported to:

- Child FIRST; or
- the Victorian Police.

DHHS Child Protection should also be contacted if you believe a child is in need of protection.



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

### **Child FIRST**

Child FIRST is a community-based referral point to Family Services in Victoria. In addition to reporting suspected abuse to the appropriate authorities in accordance with the College's [Procedures for Responding to and Reporting Allegations of Child Abuse](#), all Staff should make a referral to Child FIRST if:

- you have significant concern for a child's wellbeing;
- your concerns have a low-to-moderate impact on the child;
- the child's *immediate* safety is not compromised; or
- you, or the College, have discussed the referral with the child's family and they are supportive of it.

Examples of concerns that staff should refer to Child FIRST include instances where a child's care or development is significantly impacted by:

- parenting problems;
- family conflict or breakdown;
- pressure due to a family member's physical/mental illness; or
- significant social or economic disadvantage.

### **Victoria Police**

In addition to reporting suspected abuse to the appropriate authorities in accordance with the College's [Procedures for Responding to and Reporting Allegations of Child Abuse](#), all Staff **must** contact Victoria Police on 000 if:

- a child's immediate safety is compromised; or
- a child is partaking in any risk taking activity that is illegal or extreme in nature or poses a high risk to the child.

### **DHHS Child Protection**

In addition to reporting suspected abuse to Child FIRST or the Police in accordance with the College's [Procedures for Responding to and Reporting Allegations of Child Abuse](#), all Staff should



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

contact DHHS Child Protection if you believe a child is in need of protection.

Common grounds for protection include instances where:

- a child's parents have abandoned the child and after reasonable inquiries, the parents cannot be found and no other suitable person can be found who is willing and able to care for the child;
- a child's parents are dead or incapacitated and there is no other suitable person willing and able to care for the child;
- a child is displaying extreme risk-taking behaviour, which has potentially severe or life-threatening consequences. For example, severe alcohol or drug use, unsafe sexual activity including prostitution, or violent or dangerous peer group activity. Staff should also report extreme risk-taking behaviour that is illegal to the Police; or
- there is a threat of harm to an unborn child, including circumstances where a parent has previously demonstrated an inability to safely parent.

### **Record Keeping Obligations**

For the College's record keeping obligations relating to child protection incidents or child wellbeing concerns, refer to [Child Protection Record Keeping](#).

### **Conduct that is Reportable to the Victorian Institute of Teaching**

#### **Reportable Conduct**

The College has a duty of care to investigate and act on allegations of employee misconduct or conviction which relate to their ability to perform their functions.

Under the Education and Training Reform Act 2006 (Vic), the College must notify the Victorian Institute of Teaching (VIT) once the College has taken action against a registered teacher. The VIT then has powers to investigate and take further action.

#### **VIT Reporting, Mandatory Reporting and Reporting to the CCYP**

The reporting obligation covered in this policy is separate and distinct from the Mandatory Reporting obligation under the Children, Youth and Families Act 2005 (Vic) (refer to [Mandatory Reporting](#)) and the Reportable Conduct Scheme under the Child Wellbeing and Safety Act 2005 (Vic) (refer to [Reportable Conduct](#)).



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

### Internal Reporting of Allegations of Staff Misconduct

Any allegation of teacher misconduct must be immediately reported to the Principal, or the Chair of the Federation of CRC Council should the allegation involve the Principal.

### Internal Investigation of Allegations of Misconduct

Once an allegation of misconduct has been made (which does not require reporting to Department of Health and Human Services (DHHS) Child Protection under the [Mandatory Reporting obligations](#)) an internal investigation, led by the Principal, or the Chair of the Federation of CRC Council if the allegation relates to the Principal, will be conducted in such a manner as the particular circumstances demand.

It is important to note that an internal investigation must not be conducted in relation to an allegation that is the subject of Mandatory Reporting until clearance is given by the relevant authorities (Police or DHHS Child Protection).

### Reporting Obligation to the VIT

The College must notify the VIT if the College has taken action against a registered teacher in response to:

- allegations of serious misconduct;
- serious incompetence;
- fitness to teach (which relates to character, reputation and conduct, and whether the teacher is physically and mentally able to teach); and
- a registered teacher's ability to practice as a teacher is seriously detrimentally affected or likely to be seriously affected because of an impairment.

The College must immediately notify the VIT if the College becomes aware that a teacher:

- has been charged with or committed for trial for a sexual offence, (including grooming, encouragement and child pornography offences); or
- has been convicted or found guilty of an indictable offence (offences detailed in the Crimes Act 1958 (Vic) and the Wrongs Act 1958 (Vic), including offences which carry prison sentences of 5 years or more or penalties over a threshold level).

The College should also notify the VIT if a teacher takes action against them in another forum such as the Fair Work Commission.



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and

### "Actions" to be Reported

Actions" which will be reported by the College to the VIT include (but are not limited to):

- disciplinary action taken by the College; and
- where a teacher resigns after being advised by the College that it is inquiring into allegations.

### When to Notify the VIT

The VIT should be notified of the action taken against a teacher once the process initiated by the College has been initiated.

### VIT Response

On receiving the notification, the VIT has the power to:

- ensure that it has obtained all relevant information from the College, and may request further information;
- decide whether the matter does not reach the threshold required for it to proceed;
- conduct an investigation, an informal hearing, or a formal hearing; and
- summarily suspend the teacher on an interim basis pending an investigation, if the VIT forms a reasonable belief that the teacher poses an unacceptable risk of harm to children and believes that suspension is necessary to protect children.

A formal hearing may result in findings which can result in cautions, reprimands, conditions imposed including counselling and further education, suspension, cancellation of registration and/or a period of disqualification.

### Impact on Working with Children Check

Where an employee, Volunteer, or Third Party Contractor has been charged with or found guilty of a serious sexual, violent or drug-related offence (including grooming and child pornography offences) (Category 1 or Category 2 offence in the Working with Children Act 2005 (Vic)) their Working with Children Check Card will be revoked and they will not be able to work, or volunteer to work with, children.

### Record Keeping Obligations

For the College's record keeping obligations relating to child protection incidents, refer to [Child Protection Record Keeping](#).



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and

### **Communication with Parents/Carers**

In many cases of suspected child abuse, or where it is suspected that a child is at risk of being abused, it is critical that the child's parents/carers are notified as soon as practicable after a notification has been made to the appropriate external authority. This enables the child's parents/carers to take steps to:

- prevent or limit their child's exposure to further abuse; and
- ensure that their child receives the support that is needed.

It is the College's policy that any notification made to parents/carers of a child suspected to have been abused, or is at risk of being abused, is made by the Principal or the Senior Child Safety Officer after a notification to either DHHS Child Protection or the Police has been made.

**Before contacting parents/carers** the College's Principal or a Child Safety Officer **must** seek advice from DHHS Child Protection and/or the Police, depending on who the report was made to. The Principal or a Child Safety Officer will be advised by an external authority not to contact the parents in circumstances where:

- the parents/carers are alleged to have engaged in the abuse;
- a disclosure to the parents/carers may subject the child to further abuse;
- the child is a mature minor (assessed to be sufficiently intelligent and mature to make such decisions on their own behalf) and has requested that the parents/carers not be contacted; and
- the notification is likely to have an adverse effect on an ongoing investigation into the incident.

The Principal may disclose information about an investigation into a reportable allegation to a parent or carer of the child in relation to which a reportable allegation has been made. Refer to [Reportable Conduct](#).

### **Support for Students Interviewed at the College**

The College has certain legal requirements when a request is made by the Police or DHHS Child Protection workers to interview students regarding child protection incidents at the College. Students to be interviewed may include victims, witnesses or those alleged to have perpetrated abuse.

### **Support for Students**

All students interviewed by the Police or DHHS Child Protection at the College must be supported. Where possible, the student's parents/carers should be present for any interview. Where this is not practicable, one



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and

of the following persons may provide support to the student during the interview, as appropriate:

- the Principal;
- a Child Safety Officer; or
- in the case of Police interviews, an **independent support person** over the age of 18 who is not connected with the College, for example a social worker or nurse (independent supportive adult).

Consideration should be given as to whether there may be a conflict of interest between the independent supportive adult and the student being interviewed. For example, a situation may arise where the Principal or a Child Safety Officer is related to the perpetrator of the child protection incident, the student is a family member, or the Principal or a Child Safety Officer may be the perpetrator.

#### **General Protocols**

The College's Principal must:

- facilitate interviews requested by the Police or DHHS Child Protection workers;
- advise students of their right to have an independent supportive adult, parent or carer present at such an interview;
- arrange for the student to choose an independent supportive adult to be present;
- balance their obligation to protect the rights of students with their obligation to assist the Police and DHHS Child Protection in their exercise of duty;
- ensure there is someone acting as an independent supportive adult for students interviewed at college by the Police or DHHS Child Protection workers; and
- observe confidentiality at all times in the management of a mandatory reporting or criminal case.

#### **Contacting Parents/Carers**

Before contacting a student's parents/carers, the Principal **must** seek advice from the Police or DHHS Child Protection to determine if parents/carers should be present at the interview.

Where appropriate, parents/carers must be advised of the scheduling of an interview with the Police. Parents/carers should also be advised of interviews that have been scheduled with DHHS Child Protection where it is deemed to be appropriate, however DHHS Child Protection may conduct interviews with students without parental/carer knowledge or consent in exceptional circumstances.





# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and

### **Student as a Victim/Witness**

When the Principal allows interviews involving students who may be victims or witnesses, they should:

- support and encourage the student to provide as much information as possible; and
- inform the student that a note of the circumstances and the content of the interview will be made and communicated to their parents/carers as soon as possible, unless doing so causes a risk of abuse.

### **Student as a Suspect**

If Police need to speak with a student who has allegedly abused another child, or student at the College, this should preferably be done in the presence of the student's parents/carers, or another **independent supportive adult**.

### **Complying with Court Orders**

A subpoena or witness summons is a court order that compels the College to produce documents or attend court and give evidence, or both. The Principal or a staff member will usually be issued with a subpoena or witness summons because a party to legal proceedings believes that the College, the Principal or a staff member has information or documents that are relevant to the proceeding.

The College will seek external legal advice and support relating to complying with subpoenas or witness summons.

### **Making Additional Reports**

There are some circumstances in which you will be required to make an additional report to an appropriate external authority.

### **Reporting Further Grounds for Belief or Suspicion**

If you hold a reasonable belief that a child has been, or is at risk of being abused, you must still make a report to the relevant external authority about a child even if:

- DHHS Child Protection or the Police have previously been involved or are currently involved with the child and/or their family; and
- you are aware that another party, such as another staff member, Volunteer, or family member, has raised concerns with the relevant authorities.



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

Every report is critical to protecting a child by building evidence and enabling external authorities to gain a clear understanding of the risks posed to the child.

#### **Another Person Has Made a Report**

There may be times when two or more staff members at the College (for example the Principal and a Child Safety Officer) has formed a belief about the same child on the same occasion and based on the same information.

In this situation, it is sufficient that only one of the staff members make a report to the relevant external authority, as the belief is based on the same information. However, the other staff member, who does not make the report, is obliged to ensure that the report has been made and that all grounds for their own belief were included in the report made to the authority.

If staff members do not agree on what should be reported, for example a staff member does not agree with the Principal's decision to make a report to an external authority, the staff member is legally obliged to make a report anyway.

#### **Other Concerns About the Wellbeing of a Child**

If you believe that a child has not been subjected to abuse or neglect but still hold significant concerns about the child's wellbeing, you still may be required to report your concerns to DHHS Child Protection, the Police or Child FIRST. For more information about reporting wellbeing concerns refer to the [Responding to Other Concerns About the Wellbeing of a Child](#) section of this Program.

#### **Child Protection Complaints Management**

The College has developed a [Complaints Resolution Process](#) to ensure that any child protection-related feedback, comments or complaints from College community members and relevant stakeholders are captured, analysed and acted upon where appropriate.

This may include feedback about certain staff members or volunteers, or the College's Child Protection Program.

When a complaint is made to the College it is important for the College to consider whether the complaint raises any concerns about unreported abuse and/or risk of abuse at the College.

The Federation of CRC Council, staff including the Principal, volunteers (direct and indirect), third party contractors and external education providers must follow the College's [Procedures for Responding to and Reporting Allegations of Child Abuse](#) if any information received with a complaint leads to new



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and

grounds for a reasonable belief or suspicion that a student may be subject to, or at risk of, any unreported abuse.

### **Confidentiality and Privacy**

#### **Confidentiality of Information Relating to Child Protection Matters**

Anyone who has access to information regarding a case of suspected child abuse must keep such information confidential and secure and must only disclose or discuss this information with those involved in managing the situation.

You must not provide undertakings that are inconsistent with your reporting obligations in the College's Child Protection Program. In particular, you must not promise a student that you will not tell anyone about the student's disclosure.

Students and any other parties who become involved in the investigation (this may include other students) should be informed of the reporting process and be required to maintain confidentiality.

Inappropriate disclosure will be subject to disciplinary action.

#### **Protection of Reporter's Identity**

Reports or referrals made to DHHS Child Protection or Child FIRST are confidential and the reporter's identity is generally protected by law. Exceptions include if:

- the reporter chooses to inform the child or family of the report;
- the reporter consents in writing to their identity being disclosed;
- a court or tribunal decides it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child; or
- a court or tribunal decides the reporter is required to attend court to provide evidence.

The identity of the person who makes a report to the Police, including reports under section 327 of the Crimes Act 1958 (Vic) (Obligation to Report a Sexual Offence), will remain confidential unless:

- the person themselves discloses their identity or they consent in writing to their identity being disclosed; or
- a court or tribunal decides that it is necessary in the interests of justice for the person's identity to be disclosed.



# Catholic Regional College Sydenham

## Policy: Procedures for Responding to and

### Reporter Liability

A person who makes a Mandatory Report in accordance with the Children, Youth and Families Act 2005 (Vic), or a report under the Child Wellbeing and Safety Act 2005 (Vic) (Reportable Conduct Scheme) will not be held liable for the eventual outcome of any investigation.

If a report is made in good faith, it does not constitute a breach of professional ethics on the part of the reporter and the reporter cannot be held legally liable in respect of the report.

### Protection of Staff's WWCC Status

The College will only be informed of whether an individual passes or fails the WWCC Check. None of the information gathered for the WWCC Check, such as criminal or professional records, will be passed on to Catholic Regional College Sydenham.

### Protection of Personal Information

How Catholic Regional College Sydenham handles the information we collect about individuals (referred to in the Privacy Act 1988 (Cth) as personal information) is very important, as the people we deal with expect us to handle their personal information properly and we have a legal obligation to do so. Personal information is information, or an opinion, about an identified individual, or an individual who is reasonably identifiable:

- whether the information, or opinion, is true or not; and
- whether the information, or opinion, is recorded in a material form or not.

The Privacy Act 1988 (Cth) only applies to personal information that is captured in a record.

### Psychologist's obligations

Psychologists have to comply with a code of conduct in relation to confidentiality and privacy. A copy of the school confidentiality agreement is available [here](#).

### Requests for Information

If you receive a request from the Police, the Commission for Children and Young People (CCYP) or DHHS Child Protection for information relating to a student who has been impacted (or is suspected to have been impacted) by child abuse, you should:



## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and

- obtain the request for information in writing; and
- ensure that the written request includes:
  - the name of the Police officer, representative of the CCYP or DHHS Child Protection worker, the organisation they work for and their contact details;
  - a description of the information and/or documents being sought;
  - the reasons why the information and/or documents are being sought; and
  - what authority the officer/worker or the organisation believes that they have to access the requested information and documents.

When information and/or documents are requested in this way, you may be permitted to share the information. However, **you are not compelled** to do so.

#### **Information Sharing with the College Community**

The College takes great care to assess the relevance and appropriateness of sharing information about a child protection incident before providing any information about child abuse to the College community because even the confirmation of an incident or allegation can lead to the identification of a victim.

#### **Record Keeping Obligations**

For the College's record keeping obligations relating to child protection incidents, refer to [Child Protection Record Keeping](#).

#### **Child Protection Record Keeping**

Effective child protection record keeping is one of the College's key strategies in the management of its child protection obligations, including the fulfilment of our duty of care.

It is through such record keeping that the College can ensure that, should there ever be a need for evidence of the College's child safe culture or precautions and preventative measures taken in response to the risk of child abuse, the College has well-documented and easily-accessible records.

#### **Documenting a Suspicion or Belief of Abuse**

Where a staff member, or Direct Contact Volunteer forms the belief on reasonable grounds that a



## Catholic Regional College Sydenham

# Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

student is in need of protection, written and dated notes of their observations and concerns should be recorded to assist in a referral/report of child abuse.

All verbal and written communications regarding child protection matters (including notes of observations, student disclosures, meetings and telephone calls) must be properly documented. The documented records should include dates and times and enough detail to record key conversations, especially those relating to the student's disclosure.

The records of child protection must be stored securely. Refer to our [Records Management Policy](#) for information on how we store records.

### **How to Record Observations, Disclosures or Allegations of Abuse, Grooming or Student Sexual Offending**

The College requires all members of the College community, including the Federation of CRC Council, staff, volunteers (direct and indirect), Third Party Contractors, outside tutors and external education providers to use the [Responding to Suspected Child Abuse Template](#) or the [Student Sexual Offending Record Keeping Template](#) to record all observations, beliefs, suspicions, disclosures or allegations of abuse, grooming or student sexual offending.

The Templates are provided by the DET and the DHHS Child Protection for all Victorian schools and are made available on the College's public website, internal intranet, and in hard copy at the College. Copies of the Templates are also available in the [Additional Resources](#) section of this Program.

The "Process of Review" section in the Templates must be completed between 4-6 weeks after an incident, suspicion or disclosure of abuse in conjunction with the College's Principal, a [Child Safety Officer](#) or a senior member of staff.

All completed Template reporting forms are to be given to the College's Principal, a [Child Safety Officer](#) or a senior member of staff. The College maintains records of these forms indefinitely. Child protection records are only disposed of subject to law or policy.

### **Working with Children Check Documentation**

It is the responsibility of the Director of Staffing to verify the status of all School staff and non-parent volunteers' Working with Children Checks (WWC Checks).

In line with the College's risk-based approach to child safety and protection, where parent volunteers are volunteering at large off-site activities, such as overnight excursions or camps, the College requires that these parent volunteers undergo a Working with Children Check as a matter of best practice.



## Catholic Regional College Sydenham

# Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

Catholic Regional College Sydenham maintains records (electronic or hard copy format) of child-related workers including:

- full name
- WWC Check Application Receipt Number
- WWC Check Card Number
- date and outcome of WWC Check clearance
- notices sent by the Department of Justice
- expiry date.

Records must be readily available if required for audit and monitoring purposes.

### **Recording Child Protection Actions**

Section 91 of the Wrongs Act imposes a duty of care on schools to take reasonable precautions to prevent the physical or sexual abuse of a child under its care, supervision or authority, by an individual associated with the school. If a school is involved in a proceeding under the Wrongs Act, the school is presumed to have breached its duty of care unless it can prove, on the balance of probabilities, that it took reasonable precautions to prevent the abuse.

Whether or not a school took reasonable precautions will be assessed by a court in accordance with considerations set out in the Wrongs Act and case law. The effective implementation of the College's risk management strategies in [Child Protection Risk Management](#) is an example of taking reasonable precautions to prevent the physical or sexual abuse of a child.

It is critical that the College maintains accurate and comprehensive records of these policies, procedures, work systems and strategies should the courts ever call on such evidence in relation to a claim against the College for damages in respect of child abuse.

For more information about the College's record keeping procedures refer to our [Records Management Policy](#).

### **Disciplinary Procedures**

Where a staff member breaches any obligation, duty or responsibility within this Program, Catholic



## **Catholic Regional College Sydenham**

### **Policy: Procedures for Responding to and Reporting Allegations of Child Abuse**

Regional College Sydenham may take disciplinary action, including in the case of serious breaches, summary dismissal.

Where any other member of the College community breaches any obligation, duty or responsibility within this Program, Catholic Regional College Sydenham may take appropriate action.

#### **Continuous Review and Improvement**

Catholic Regional College Sydenham is committed to continuous improvement in all its operations including this Child Protection Program.

It is the responsibility of the Child Safety Officer, in consultation with the Child Safety Committee, to regularly review our Child Protection Program to ensure that it is working in practice and that the College is meeting its legal and regulatory obligations relating to child protection.

#### **Records of Teacher Registration and VIT Notifications**

Under our Teachers' Requirements Policy, Catholic Regional College Sydenham maintains a register of the registration status of all teachers at the College. That register includes a record of the date and type of any notifications made to the Victorian Institute of Teaching (VIT) by the College about a registered teacher pursuant to Conduct that is Reportable to the Victorian Institute of Teaching.

It is the responsibility of Rachele Narayan (HR Officer), Chantelle Gauci (Deputy Principal) and Brendan Watson (Principal) to ensure that the register of teachers is maintained up to date with relevant notifications.





## Catholic Regional College Sydenham

### Policy: Procedures for Responding to and Reporting Allegations of Child Abuse

<p><b>Managed by:</b> Principal and Deputy Principal - Staffing</p>	<p><b>Contact Persons:</b> Principal, Deputy Principal – Staffing, Deputy Principal – Students, Director of Community Engagement and Principal’s PA</p>	<p><b>Approved by:</b> Principal, Deputy Principal - Staffing</p>
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